

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO
Benita Beckham v. Boston Scientific Corporation
Civil Action No. 2:16-cv-11921

ORDER

(Transferring Case to MDL 2326)

Pending before the court is plaintiff's Motion to Transfer MDLs. [ECF No. 4]. In the Motion, plaintiff states that she filed an Amended Short Form Complaint that no longer included Ethicon, Inc., but included, among others, Boston Scientific Corporation. Therefore, plaintiff requests that this individual case be transferred from MDL 2327 to MDL 2326. After careful consideration, it is **ORDERED** that

- (1) the Motion to Transfer MDLs is **GRANTED**;
- (2) this action is **TRANSFERRED** to MDL 2326;
- (3) pursuant to Ethicon MDL PTO # 280 (Docket Control Order – Ethicon, Inc.

Wave 8 Cases), which states the following,

Transfer of any Wave 8 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. ("Bard"), Boston Scientific Corporation ("BSC"), or American Medical Systems, Inc. ("AMS") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this action is now subject to PTO # 175 entered in MDL 2326; and

- (4) to the extent an Amended Short Form complaint has not been filed, plaintiff's counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint within fourteen (14) days from the date of this Order.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate the civil action as a member case in MDL 2327 and re-associate it with MDL 2326;
- (2) file MDL 2326, PTO # 175 in the individual case;
- (3) change the 2327 Wave 8 flag to MDL 2326 Wave 4 flag; and
- (4) file a copy of this Order in 2:12-md-2327 and in the individual case.

ENTER: May 11, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE